

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

Public Services – Revenue Department – Allegation of dowry harassment against Sri D.Mallaiah, formerly Deputy Tahsildar, Boinpally Mandal, Karimnagar District and now retired from service – Convicted by the Court of J.F.C.M., Special Mobile Court, Karimnagar in C.C.No.38/94 – Imposing of punishment of withholding of entire pension and gratuity permanently – Orders – Issued.

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REVENUE (VIGILANCE-VI) DEPARTMENT

G.O.Ms.No. 86

Dt.30-1-2010.  
Read the following:-

- 1) Order dt.25-4-95 of the Court of the JFCM, Special Mobile Court, Karimnagar in C.C.No.38/94.
- 2) From the CCLA, Hyd., Lr.Ref.Spl.X2/1932/94, dt.19-10-96.
- 3) Order of the Court of the Sessions Judge, Karimnagar, dt.28-4-95 in CrI.M.P.No.722/95 in Cr.A.No.46/95.
- 4) Order of the Court of the Sessions Judge, Karimnagar, dt.5-7-95 in CrI.M.P.No.1067/95 in Cr.A.No.46/95.
- 5) Order of the Court of Sessions Judge, Karimnagar, dt.28-9-96.
- 6) Judgment of the High Court, dt.5-11-99 in Cr.R.C.No.865/96 in Cr.R.P.No.861/96.
- 7) Govt.Memo.No.4409/Vig.VI(2)/01-17, dt.16-3-2009.
- 8) From the Dist. Collector, Karimnagar, Lr.No.A3/1795/94, dt.7-1-2010.

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On the allegation of dowry harassment, the Police Department, Karimnagar District has registered a case u/s 498-A Indian Penal Code and on filing the charge sheet, the Court of JFCM, Special Mobile Court, Karimnagar pronounced the judgment dated:25-4-95 in C.C.No.38/94 convicting Sri D.Mallaiah, formerly Deputy Tahsildar, Boinapally Mandal, Karimnagar District and now retired from service and sentencing him to suffer rigorous imprisonment for two years and to pay a fine of Rs.1000/- and in default, to suffer simple imprisonment for three months. On an appeal filed by the Accused Officer against the above judgment, the learned Sessions Judge, Karimnagar has suspended the sentence imposed by the Lower Court in its order dt.28-4-95 in Cr.M.P.No.722/95 in Cr.A.No.46/95 and in its further order dt.5-7-95 in Cr.M.P.No.1067/95 in Cr.A.No.46/95, the above Court has also suspended the conviction against the Accused Officer till the disposal of the Criminal Appeal. Finally, the Hon'ble Session Judge, Karimnagar in its order dt:29-8-96 dismissed the Criminal Appeal filed by the Accused Officer confirming the conviction and sentence imposed by the Lower Court.

2. On an appeal filed by the Accused Officer against the order of the Sessions Court, Karimnagar, the Hon'ble High Court in its order 6<sup>th</sup> read above, while observing that there are no grounds to disbelieve the evidence of PW-1 (daughter-in-law of A.O) and PW-2 (father of PW-1) in the harassment meted out to PW-1 by the overt acts committed by A-2 (A.O. in the instant case) and A-3 (wife of A.O.), has confined the sentence to the period already undergone by the petitioners as per the orders of the Sessions Court, Karimnagar and maintained the fine and default clauses.

3. Government, after examination of the matter carefully, have provisionally decided to impose the punishment of withholding of entire pension and gratuity permanently on the Accused Officer for the conduct which led to his conviction in C.C.No.38/94, under Rule-9 of Andhra Pradesh Revised Pension Rules, 1980, as the Accused Officer retired from service on 30.7.1999 on attaining the age of superannuation.

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4. In the reference 7<sup>th</sup> read above, a show-cause notice was issued to the Accused Officer calling for his explanation on the proposed punishment within (15) days from the date of receipt of memo. In reply, the Accused Officer has submitted his explanation in the reference 8<sup>th</sup> read above wherein he had represented that a dowry case was made over against him, his son and his wife with political bad motive by his own brother-in-law namely Sri Chithala Bhoomaiah (died) and a case was registered against him u/s 498-A Indian Penal Code i.e. dowry harassment, that the case was heard in both the JFCM, Special Mobile Court, Karimnagar and the District Sessions Court, Karimnagar. On his appeal against the conviction and sentence imposed by the Lower Courts, the High Court had finally modified the punishment awarded against him and closed further action. He has, therefore, requested the Government to excuse him and pass favourable orders with a direction to the Collector, Karimnagar for finalizing the pending pension case duly sanctioning suspension periods as on duty or which ever is deemed fit.

5. Government, after careful examination of the matter, observe that the Hon'ble High Court in its order dt.5-11-99 in Cr.Revision Case.No.865/96 in Cr.R.P.No.861/96 has confined the sentence to the period already undergone by the Accused Officer as per the orders of the Sessions Court, Karimnagar only and as such the conviction imposed on him exists on the Accused Officer.

6. Therefore, Government hereby impose the punishment of withholding of entire pension and gratuity permanently on Sri D.Mallaiah, formerly Deputy Tahsildar, Boinpally Mandal, Karimnagar District and now retired from service, under rule 9(1) of the Andhra Pradesh Revised Pension Rules, 1980 for the conduct which led to his conviction in C.C.No.38/94.

7. The Special Chief Secretary & Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad shall take necessary further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASUTOSH MISHRA  
PRINCIPAL SECRETARY TO GOVERNMENT

To  
The individual through Chief Commissioner of Land Administration,  
Hyderabad.  
The Chief Commissioner of Land Administration, Hyderabad.  
The District Collector, Karimnagar.  
Copy to:  
The Accountant General, Andhra Pradesh, Hyderabad.  
The District Treasury Officer, Karimnagar District.  
The Director General, Anti Corruption Bureau, Hyderabad.  
The Secretary, Tribunal for Disciplinary Proceedings, Hyderabad.  
The Vigilance Commissioner, Andhra Pradesh Vigilance Commission,  
Hyderabad.  
Sf/Sc.

// FORWARDED BY ORDER//

SECTION OFFICER